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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,683	07/31/2001	Craig H. Barratt	15685P042	6227
45222	7590	07/20/2006	EXAMINER	
ARRAYCOMM/BLAKELY 12400 WILSHIRE BLVD SEVENTH FLOOR LOS ANGELES, CA 90025-1030			LEE, CHI HO ANDREW	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/919,683

Applicant(s)

BARRATT ET AL.

Examiner

Andrew Lee

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-24, 26-33, 35-46 and 48-58 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 40, 41 and 43 is/are allowed.
- 6) ☒ Claim(s) -6, 8-12, 16-24, 26-33, 35, 36, 44-46, 48, 49 and 52-58 is/are rejected.
- 7) ☒ Claim(s) 13-15, 25, 37-39, 50 and 51 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 8-12, 16-24, 26-33, 35, 36, 44-46, 48, 49, 52-58 are rejected under 35 U.S.C. 102(e) as being anticipated by Haartsen U.S. Patent Number 6,389,057.

Re Claims 1, 27, 40, 44, 52, Paging Unit (base station) selects from a control channel (the first RF resource) from a plurality of channels to transmit a page; the page is received by a Standby unit (the user terminal) to perform synchronization via the selected channel and hopping sequence (See abstract); upon receiving the page message, the standby unit selects a response channel using a hop frequency that corresponds to the hope in which the paging message was received (See col. 10, lines 30-34: a function at the user terminal to determine the hopping sequence) and transmits a response page wherein the selected hop sequence comprises a sequence of RF and hopping sequence (See col. 9, lines 35-60) and used by the Standby unit to transmit the page response page to the paging unit; and upon synchronization of the hopping sequence between the paging and standby unit, data stream is transmitted over the data channel (a second RF resource).

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Re Claims 2, 3, 21, 22, 31, refer to Claim 1, wherein the selected RF and hopping sequence are available.

Re Claims 4, 5, 23, 24, 32, 33, 46, refer to Claim 1, wherein the selected hopping sequence resources comprises of a RF resource that follows a hopping sequence among a set of RF channels/slots (See figures 5-12).

Re Claims 6, 26, 41, 45, refer to Claim 4, wherein a set of CDMA (See col. 5, lines 25-60).

Re Claims 8-12, 28-30, 35, 36, 48, 49, 57, 58, refer to Claim 1, wherein a page message indicates the hop sequence on which the paging unit will be listening and each hop frequency is different for each train. This suggests that the standby unit must select a hop frequency per each train (See col. 10, lines 15-36). Hence, the standby unit (a user terminal) includes a lookup table to select a hop sequence from the page message.

Re Claims 16, 18, refer to Claim 1, wherein upon a page response, the paging unit acknowledges the page response.

Re Claims 17, 19-20, refer to Claim 16, wherein the paging unit identifies the second RF resource in the page message.

Re Claims 53-56, See fig 1, multiple hardware and each hardware controls a spatial channel and availability.

***Allowable Subject Matter***

3. Claims 13-15, 25, 37-39, 50-51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In combination with Claims 1 and 13; 18 and 25; 27 and 38; 44, 49, and 50, prior art fails to teach the page message including a page identifier assigned to the user terminal.

4. Claims 40, 41, 43 are allowed

***Response to Arguments***

5. Applicant's arguments filed 5/18/06 have been fully considered but they are not persuasive.

Re Claims 1, 18, 27, 44, 52, applicant argues that Haartsen fails to teach, "selecting at the user terminal one of multiple hopping sequence resource to transmit a page response,".

Examiner disagrees.

Applicant is directed to fig. 10 wherein the Paging unit (base station) receives Hop sequences 10, 11, 12, 13 from the Standby Unit (the user terminal) in response to the page. Hence, the Standby Unit (the user terminal) does select one of multiple hopping sequences resources.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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**ANDREW C. LEE**  
**PRIMARY PATENT EXAMINER**

